S.B.CR MISC. BAIL APPLICATION NO.3639/2006

Date : 29.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

Learned counsel for the applicant submits that it is correct that in the instant case a plot has been sold twice but the fact of the matter is that the accused applicant has sold the disputed plot in the year 1980 and thereafter he did nothing with the plot and the plot was sold by one Shiv Charan and his father was attesting witness to the agreement to sale thus conspiracy regarding plot is concerned, no evidence is available on record to show that the applicant was responsible in the conspiracy in any manner connecting with the disposing of the plot, therefore, the case of the applicant is different then other co-accused.

On the other hand, learned Public Prosecutor has not disputed this aspect of the mater.

I have considered the submissions made before me and carefully gone through the material available on record. After perusal of FIR, it appears that in the year 1980, the applicant had sold the plot and he has nothing to do with the same, therefore, in my opinion the applicant has been able to make out a case for granting benefit of anticipatory bail.

Taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Suraj Bhan son of Ram Chander by I.O./S.H.O. in FIR No.280/2006 P.S. Kotwali, Sri Gangangar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant